

**STATE OF NEW HAMPSHIRE
DEPARTMENT OF ENVIRONMENTAL SERVICES
WATER COUNCIL**

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Water Council Docket No: 05-22 WC

DEC 05 2005

**MOTION TO INTERVENE
OF GARRISON PLACE REAL ESTATE INVESTMENT TRUST**

Garrison Place Real Estate Investment Trust hereby moves to intervene in this appeal. The grounds for this motion are set forth below.

- 1- This intervener is the applicant in file # 994058, which is the subject of this appeal.
- 2- The intervener is aggrieved because the Town of Nottingham's appeal seeks to relitigate the findings of DES regarding a large groundwater withdrawal permit issued to USA Springs, Inc., which is an entirely separate matter, and therefore this appeal is oppressive, vexatious, arbitrary, capricious and in bad faith.
- 3- The intervener's participation and involvement is that of applicant.

WHEREFORE, the intervener respectfully requests that the Water Council grant this motion.

Respectfully submitted,

Garrison Place Real Estate Investment Trust,

By its attorney,

Soltani/Mosca PLLC

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12/2/05

CERTIFICATE OF SERVICE

I, Edward C. Mosca, certify that a copy of the foregoing Appearance was sent this 2nd day of December, 2005 first class postage prepaid to NH Water Council, Michael P. Nolin, Commissioner, DES, Harry T. Stewart, P.E., Director, DES Water Division, Kerry D. Barnsley, DES Legal Unit, Jennifer J. Patterson, NH DOJ, Brandon Kernen, DES WD, Jim Martin, DES Public Information Officer, and E. Tupper Kinder, Esquire.

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Edward C. Mosca